

Our Reference: OBC-101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Higley, et al  
Application Number: 09/707,009  
Filing Date: 11/06/2000  
Art Unit/Examiner: 1741/Raymond Alejandro

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a response to the Office Action dated April 23, 2002, to which a reply is due on or before August 23, 2002 with a three-month extension of time which accompanies this response. The Commissioner is hereby authorized to charge any fees which may be required during the entire pendency of the application to Deposit Account No. 05-1068.

Group I is provisionally elected with traverse. The restriction requirement is submitted to be improper. Group I is drawn to a multi-cell battery. Group II is drawn to a bipolar electrochemical battery. A bipolar battery is a specie of a multi-cell battery. As stated on page 3, column 10 of applicant's application:

*"The electrochemical cells of multi-cell batteries may be electrically coupled in series by conductive links, or they may be formed in a bipolar configuration where an electrically conductive bipolar layer serves as the electrical interconnection between adjacent cells as well as a partition between the cells."* (emphasis added).

Hence, a multi-cell battery includes modes of operation of a bipolar battery. In addition, Group I includes claim 1 which is a generic claim. Group II includes claim 6 which is a specie claim embraced by the generic claim 1. It is not proper to restrict the

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generic claim from the specie claim embraced by the generic claim. This restriction is thus improper and applicant respectfully requests that the restriction be withdrawn.

Respectfully submitted,

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Date: August 23, 2002  
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